

Subj: **RM-10403 /Havens- Telesaurus**
Date: Sunday, August 24, 2003 2:40:30 PM
From: wchavens
To: btramont@fcc.gov
cc: general@g2w2.com, jstobaugh@telesaurus.com

Via email to:

Bryan Tramont, Senior Legal Advisor to Chairman Powell, at btramont@fcc.gov

Email cc to:

Henry Goldberg, Attorney for Itron, at general@g2w2.com

Email bcc to:

Jim Stahl, Chairman, United Telecom Council (UTC)
Jill Lyon, Vice President, United Telecom Council (UTC)
James Stobaugh, Telesaurus Holdings GB LLC

Dear Mr. Tramont,

Mr. Goldberg, in his August 12, 2003 email to you regarding the above-referenced docket, subject of his August 12, 2003 Ex Parte filing in this docket, cited a part of my Ex Parte filing submitted on ECFS on August 11, 2003 (incorrectly dated in October 2003). Mr. Goldberg apparently attached a copy of this filing. But in case it was not attached or did not transmit, I attach hereto the filing (in MS Word form).

As reflected in the attached and in my other filings referenced in the attached, I came to the conclusions in these filings--including that at this time rulemaking regarding LMS would be counterproductive-- after due consideration of Commission goals for LMS, the various aspects of LMS and Part 15 uses of the 902-928 MHz band, existing and emerging technologies to facilitate the above, and after consultation with FCC staff including at OET, and various current or potential end users of both LMS and Part 15 systems in this band including public safety entities and critical infrastructure entities such as power utilities. (As noted above, I am copying Jim Stahl and Jill Lyon at UTC on this email.)

As the Commission recognized when establishing LMS and related Part 15 allowances in this band, it was a bold experiment that would require work by LMS and cooperation with and by Part 15 interests to succeed well. This included addressing new ITS (Intelligent Transportation System)/vehicular-related services and markets, new technology, and reasonable coordination between LMS and Part 15 interests (also new): these are what my company, Telesaurus, and I have been and are focusing on. As discussed in the attached, this experiment and these endeavors are consistent with principal goals of the Spectrum Task Force as described in its November 2002 report. However, most filings in this docket are for positions, not solutions and cooperation, and to this end are overly simplistic and one-sided at best. Also, rulemaking takes far too long: e.g., a generation of technology, a capital-markets cycle, and a market window of opportunity, could all come and go in the time rulemaking takes, possibly making moot the rationale and/or substance of the original request, and at minimum making it a poor means of seeking relief.

Progeny, myself and my company, and other LMS licensees may seek focused relief for our respective LMS licenses and plans, with appropriate supportive showings. Given its nature, rulemaking at this time for the whole LMS service is not appropriate but will likely be counterproductive to the above-noted valuable experiment and needed work to make it succeed. Please see attached for elaboration on the above points.

I will file a copy of this email in this docket on ECFS as an Ex Parte filing. (Since the attachment hereto is referenced above and already filed in this docket, it will not be included.)

If you have any questions, please contact me.

Sincerely,

Warren Havens

President, Telesaurus, Berkeley California

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